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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,108	09/29/2003	Thomas R. Goecke	29006-2	2438

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EXAMINER

AHMAD, NASSER

ART UNIT PAPER NUMBER

1772

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,108

Applicant(s)

GOECKE, THOMAS R.

Examiner

Nasser Ahmad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. The withdrawal notice was mailed on 8/3/2006 and was based on the pre-Appeal Brief request made by the applicant on 6/26/2006.

Rejections Withdrawn

2. Claims 1- 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurer (5839977) made in the last Office action of 3/23/2006 has been withdrawn in view of the request for pre-Appeal Brief filed on 6/26/2006.
3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guenther (6461715) made in the last Office action of 3/23/2006 has been withdrawn in view of the request for pre-Appeal Brief filed on 6/26/2006..
4. Claims 7,10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurer in view of Guenther made in the last Office action of 3/23/2006 has been withdrawn in view of the request for pre-Appeal Brief filed on 6/26/2006.

Response to Arguments

5. Applicant's arguments with respect to claims 1-7 and 9-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1- 6, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oace (2559990) in view of Hughart (6668501).

Oace relates to an adhesive tape comprising a polymer backing film of 4 to 20 mils thickness (col. 4, lines 21-22) and an adhesive layer contacting the backing film (col. 5, lines 44-47). The backing can be polyvinyl chloride (col. 4, lines 43-60). However, Oace fails to expressly teach that the backing film has a Shore A Hardness of 92-100.

Hughart discloses an adhesive tape comprising a backing (36) of polymeric material such as polyvinyl chloride having Shore A Hardness of 92 and an adhesive layer attached thereto (col. 2, lines 38-45). Figures 1 and 3 shows the backing to be of substantially uniform thickness. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Hughart's teaching of providing an adhesive tape backing of polyvinyl chloride having a Shore A Hardness of 92 in the invention of Oace with the motivation to provide for hardness imparted for structural strength to the tape. For claim 2, Hughart teaches a substrate (30) is attached to the outermost side of the adhesive layer.

Regarding claim 3, the presence of a textured surface on the backing is inherent of the backing to be able to bond to the adhesive layer.

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Claim 5 is disclosed in col. 7, lines 66-67, wherein pigments can be added to the backing layer.

For claim 6, the tape backing is of polyvinyl chloride material is well in the art to be transparent (col. 7, lines 43-44).

For claim 9, it would have been obvious optimization, based on routine experimentation, to provide the backing of Hughart to have Shore A Hardness of 93-97 for optimizing the hardness of said backing polymer layer.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oace in view of Guenther (6461715).

Oace, as discussed above fails to teach that the peel adhesion of the adhesive layer is greater than 2.0 lb/in width. Guenther relates to an adhesive tape comprising a polymer layer (11) having a thickness of 50-500 microns (col. 7, lines 19-25) and a first side of the polymer layer has a double-sided adhesive layer (12) because it has two sides of adhesive surface. As shown in figure-2, one side of the adhesive layer is in substantially continuous contact with the first side of the polymer layer. The adhesive tape can be a pressure sensitive adhesive tape, including rubber-based adhesive (col. 8, lines 36-40). The tape has a peel adhesion of at least 3.5 N/cm (col. 8, lines 10-16), which would include the claimed peel adhesion of greater than 2.0 lb/in width. Therefore, it would have been obvious to one having ordinary skill in the art to utilize guenther's teaching by providing the adhesive layer to have a peel adhesion of at least 3.5 N/cm, which

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includes the claimed range of "greater than 2.0 lb/in width, in the invention of Oace with the motivation to provide for improved peel adhesion.

The intended use phrases such as "for application", "to adhere", etc. have not been given any patentable weight because said phrases are not found to be of positive limitations

9. Claims 7,10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oace in view of Hughart and Guenther

Oace and Hughart, as discussed above, fails to teach that the adhesive is a rubberized double-sided tape. Guenther, also discussed above, relates to a double-sided pressure sensitive adhesive (PSA). Therefore, it would have been obvious to one having ordinary skill in the art to utilize Guenther's teaching of using a double-sided rubberized pressure sensitive adhesive tape in the invention of Maurer with the motivation to provide for enhancing its peel adhesion characteristics.

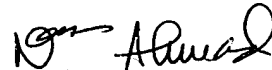
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nasser Ahmad 10/16/06
Primary Examiner
Art Unit 1772

N. Ahmad.
October 16, 2006.